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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,092	10/28/2003	Gavriel J. Iddan	P-4269-US	3486

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EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/694,092	IDDAN, GAVRIEL J.	
	Examiner	Art Unit	
	Matthew J Kasztejna	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 recites the limitation "a subset of the control wires" in the first and second lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9, 12, 14-15, 17, 19-20 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,162,171 to Ng et al.

In regards to claims 1, 14, 19 and 22, Ng et al. disclose an autonomous in-vivo device 1 comprising: a power source 69 and a plurality of moveable arms 11 (See Figs. 1 and 6). Furthermore, Ng et al. disclose an autonomous in-vivo device wherein the moveable arm 11 includes a plurality of segments 14 and 12 (see Col. 4, Lines 2-27).

In regards to claims 2, 15 and 20, Ng et al. disclose an autonomous in-vivo device comprising an imager 7 (see Col. 3, Lines 56).

In regards to claim 3, Ng et al. disclose an autonomous in-vivo device comprising a transmitter (see claim 11 and Col. 6, Lines 24-27). It is well-known in the art that such transmitters communicate via radio waves.

In regards to claim 5, Ng et al. disclose an autonomous in-vivo device wherein the moveable arms 11 are hollow bellows (see Fig. 3).

In regards to claims 6 and 17, Ng et al. disclose an autonomous in-vivo device wherein the moveable arm 11 include a tube 13 (see Col. 4, Lines 11-18).

In regards to claim 7, Ng et al. disclose an autonomous in-vivo device wherein the moveable arm 11 includes a plurality of segments 14 and 12 (see Col. 4, Lines 2-27).

In regards to claims 8 and 23, Ng et al. disclose an autonomous in-vivo device comprising a set of control wires (see Col. 3, Lines 57-61).

In regards to claim 9, Ng et al. disclose an autonomous in-vivo device wherein the moveable arm 11 includes a movement device 16 (se Col. 5, Lines 64-66).

In regards to claim 12, Ng et al. disclose an autonomous in-vivo device comprising a controller 64 to send movement signals to the moveable arm 11 (see Col. 4, Lines 28-61).

3. Claims 10-11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,662,587 to Grundfest et al.

In regards to claims 10-11 and 18, Grundfest et al. disclose an autonomous in-vivo device comprising: a power source 27; and a moveable arm 211. Furthermore, Grundfest et al. disclose moveable arms wherein they may be actuated by a variety of

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ways, including pneumatics, hydraulics, electromagnetic actuation, shape memory alloys, magnetostrictive materials, electrostrictive materials, piezoelectric materials, etc. (see Col. 9, Lines 28-42).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 4, 16, 21 and 24-25 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,402,686 to Ouchi.

In regards to claims 4, 16, 21 and 25, Ouchi discloses an autonomous in-vivo device comprising: a power source 14c; and moveable arms 13 and 15. Furthermore, Ouchi disclose a transmitter 14b for transmitting a radio wave which carries an image formed by the observing system (see Col. 1, Line 56 – Col.2, Line 6).

In regards to claim 24, Ouchi discloses an autonomous in-vivo device comprising: an imager 17b; arms 13 and 15 extending from the device, the arms comprising a plurality of segments. Furthermore, Ouchi discloses the device wherein a subset of control wires 22a(22b) control movement in a first direction, and wherein a subset of the control wires 22a(22b) control movement in a second direction (see Col. 6, Lines 20-40).

5. Claim 13 is rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,719,684 to Kim et al.

In regards to claim 13, Kim et al. disclose an autonomous in-vivo device comprising: a power source 14; and a moveable arm 15a. Furthermore, Kim et al. disclose a device comprising a storage tank 21.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK

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12/7/04

Beverly M. Flanagan
BEVERLY M. FLANAGAN
PRIMARY EXAMINER